

DETAILED ACTION

Response to Amendment

1. The amendments to Claims 1, 39, 43 in the submission dated 5/22/08 are acknowledged and accepted.
2. In view of the amendments made to the claims above, the restriction requirement dated 4/22/08 is hereby vacated, and a new restriction requirement is set forth below.

Election/Restrictions

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group IA, Claim(s) 2-6, drawn to the method of Claim 1, further including particulars of a data record.

Group IB, Claim(s) 7-10, drawn to the method of Claim 1, further including particulars of a coordinate window.

Group IC, Claim(s) 11-14, 67, drawn to the method of Claim 1, further including particulars of the source and deflection used in the writing apparatus.

Group ID, Claim(s) 15-17, drawn to the method of Claim 1, further including particulars of the movement of the carrier with respect to the writing apparatus.

Group IE, Claim(s) 18, 20, 38, drawn to the method of Claim 1, further including particulars of the grating field.

Group IF, Claim(s) 19, 21-29, 31, drawn to the method of Claim 1, further including particulars of the grating elements.

Group IG, Claim(s) 30, drawn to the method of Claim 1, further including particulars of defining a sequence of working fields.

Group IH, Claim(s) 32, drawn to the method of Claim 1, further including particulars of the writing paths.

Group Ii, Claim(s) 33, drawn to the method of Claim 1, further including particulars of a data processing system.

Group IJ, Claim(s) 34-35, drawn to the method of Claim 1, further including particulars of a radiation-sensitive material.

Group IK, claim(s) 36-37, drawn to the method of Claim 1, further including particulars of the use of metallization and a metallic mold.

Group II, Claim(s) 39-42, drawn to the method of Claim 39, further including particulars of determining the grating elements, the coordinates of which lie within a predetermined coordinate window; and defining a sequence of working fields, in which the writing apparatus is moved relative to a carrier, on which is located a substrate to be inscribed.

Group III, Claim(s) 43-45, drawn to the apparatus of Claim 43, further including particulars of a device for determining at least one grating element, which completely lies within one working field; a device for determining a sequence of working fields, in which the grating elements are to be produced by means of the writing apparatus; and a device for defining the motion path of at least one of the writing apparatus or the carrier, on which is disposed a substrate to be inscribed, so that the working fields are successively moved to and the grating elements lying in the respective working field can be produced.

Group IVA, Claim(s) 47, drawn to the apparatus of Claim 46, further including particulars of the grating elements.

Group IVB, Claim(s) 48-50, drawn to the apparatus of Claim 46, further including particulars of the grating field.

Claim 1 links Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, and IK. Claim 46 links Groups IVA, and IVB. Claims 51-53, 55-56, 58-59, 61-63, 65, 68 will be examined along with the elected invention only if one of Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, and IK is elected. Claims 54, 57, 60, 64, 66, 69 will be examined along with the elected invention only if one of Groups IVA or IVB is elected. The features of Claims 1 and 46, which are shown either singly or in combination in U.S. Patent No. 5101297 and JP 09-230122 A, lack novelty or an inventive step and do not contribute over the prior art.

4. The inventions listed as Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, IK, II, III, IVA, and IVB do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

For each of Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, IK, II, III, IVA, and IVB, each of the listed groups has special technical features not required for the other groups. The special technical features exclusive to each group are listed above in the listing of the groups.

5. A telephone call was made to Brian A. Tollefson (202-783-6040) on 8/7/08 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
8/7/08

/Arnel C. Lavarias/
Primary Examiner, Art Unit 2872